SOUNDTRANSIT

SOUND TRANSIT BOARD MEETING
Summary Minutes
July 28, 2011

CALL TO ORDER

The meeting was called to order at 1:48 p.m. by Chair Aaron Reardon, in the Ruth Fisher Boardroom, 401 South Jackson Street, Seattle, Washington.

ROLL CALL

Chair
(P) *Aaron Reardon, Snohomish County Executive*

Vice Chairs
(P) *Fred Butler, Issaquah Deputy Council President*
(P) *Claudia Thomas, Lakewood Councilmember*

Boardmembers
(P) *Claudia Balducci, Bellevue Councilmember*
(A) *Richard Conlin, Seattle Council President*
(P) *Dow Constantine, King County Executive*
(P) *David Enslow, City of Sumner Mayor*
(P) *Jake Fey, Tacoma Councilmember*
(P) *Paula Hammond, WSDOT Secretary*
(P) *John Marchione, City of Redmond Mayor*
(P) *Joe Marine, City of Mukilteo Mayor*
(P) *Pat McCarthy, Pierce County Executive*
(P) *Joe McDermott, King County Councilmember*
(P) *Mike McGinn, City of Seattle Mayor*
(P) *Julia Patterson, King County Councilmember*
(P) *Larry Phillips, King County Councilmember*
(P) *Paul Roberts, Everett Councilmember*
(P) *Peter von Reichbauer, King County Councilmember*

Ms. Marcia Walker, Board Administrator announced that a quorum of the Board was present at roll call.

REPORT OF THE CHAIR

Chair Reardon announced that the Board was working from a very full agenda. It included items held over from the May and June meetings.

Public comment would be conducted differently from the Board's usual practice. There would be two opportunities to comment. Comment on items 7.a through 7.j would be heard following the CEO's report. Comments on the East Link Project would be taken as part of item 8.

Boardmembers Patterson, McCarthy, and McDermott have requested to participate in the meeting by telephone. Requests are acted on prior action items and require a two-thirds affirmative vote of the members who are physically in attendance.

It was moved by Vice Chair Thomas, seconded by Boardmember Roberts, and carried by the unanimous vote of the 14 members present that Boardmembers Patterson, McCarthy, and McDermott be allowed to participate in the Board meeting by telephone.

CHIEF EXECUTIVE OFFICER'S REPORT

At the July 21, 2011 Operations Committee meeting, Chair Enslow requested an update on the Seattle City Council's approval of the amendment to the Rainier Valley Community Development Fund agreement. It is scheduled to be introduced in Committee on August 10, 2011with full Council action in early September.

The north entrance to King Street Station has been closed due to debris falling from the underside of the 2nd Avenue Bridge. Temporary scaffolding has been installed and the entrance will reopen on August 1, 2011.

CONSENT AGENDA

Voucher Certification for May 1, 2011 through May 15, 2011
Voucher Certification for May 16, 2011 through May 31, 2011
Voucher Certification for June 1, 2011 through June 15, 2011

Motion No. M2011-36
Resolution No. R2011-04
Motion No. M2011-50
Motion No. M2011-52
Motion No. M2011-51
Motion No. M2011-50
Motion No. M2011-58

It was moved by Vice Chair Butler and seconded by Boardmember Balducci that the consent agenda be approved as presented.

Chair Reardon announced that Motion No. M2011-59 was removed from the consent agenda to be acted on separately to correct the company name.

The motion to approve the consent agenda as presented carried by unanimous vote.

Motion No. M2011-59: Authorizing the chief executive officer to execute a lease agreement with Auburn Omni Business Park, LLC, for warehouse space located in Auburn, WA, for a five-year term with five one-year options, for a total amount not to exceed $425,671.

It was moved by Chair Reardon and seconded by Boardmember Thomas to approve Motion No. M2011-59.

It was moved by Chair Reardon, seconded by Boardmember Thomas, and carried by unanimous vote to amend Motion No. 2011-59 by replacing "Omni Business Park, LLC" with "Auburn Business Park, LLC."

The motion to approve Motion No. M2011-59 as amended carried by unanimous vote.

PUBLIC COMMENT ON AGENDA ITEMS 7.A. THROUGH 7.J.
(Comments on file with the Board Administrator)

Ralph Shape
Larry Yok
Lynn Wallace

BUSINESS ITEMS

Resolution No. R2011-05: (1) Accelerating the South Link – Airport to South 200th Street Project and establishes a project completion schedule milestone of September 2016; (2) approving Gates 4 and 5 within Sound Transit's Phase Gate system; (3) amending the Project Lifetime Budget to increase it by $341,849,600, from $41,391,400 to $383,241,000; and (4) amending the Adopted 2011 Annual Project Budget to increase it by $500,829, from $11,338,347 to $11,839,175.

It was moved by Boardmember Patterson and seconded by Vice Chair Butler that Resolution No. R2011-05 be approved as presented.

Boardmember Patterson noted that accelerating the South 200th project benefits the entire region by opening at the same time as the University of Washington station, increasing access to the Link system for south King County and Pierce County.

Chair Reardon stated that the vote would be conducted by roll call because amending the Adopted Budget requires a two-thirds affirmative vote of the Board, which is 12 members.

Resolution No. R2011-05 Vote:

Ayes			Nays
Claudia Balducci	John Marchione	Larry Phillips	
Fred Butler	Joe Marine	Aaron Reardon	
Dow Constantine	Pat McCarthy	Paul Roberts	
Dave Enslow	Joe McDermott	Claudia Thomas	
Jake Fey	Mike McGinn	Pete von Reichbauer	
Paula Hammond	Julia Patterson		

The motion to approve Resolution No. R2011-05 carried by unanimous vote of the seventeen Boardmembers present.

Motion No. M2011-53: Authorizing the chief executive officer to execute a contract amendment with Huitt-Zollars to provide additional design services for the South Link - Airport to South 200th Street project in the amount of $3,513,180, with a 10% contingency of $351,318, totaling $3,864,498, for a total authorized contract amount not to exceed $8,509,988.

It was moved by Vice Chair Butler, seconded by Vice Chair Thomas, and carried by unanimous vote that Motion No. M2011-53 be approved as presented.

Resolution No. R2011-06: Authorizing the chief executive officer to acquire, dispose, or lease certain real property by negotiated purchase, by condemnation (including settlement of condemnation litigation), or entering into administrative settlements, and to pay eligible relocation and re-establishment benefits to affected owners and tenants as necessary for the South Link – Airport to South 200th Street Project.

It was moved by Vice Chair Butler, seconded by Boardmember Marine, and carried by unanimous vote that Resolution No. R2011-06 be approved as presented.

Resolution No. R2011-07: Amending the Adopted 2011 Operating Budget by $235,000, from $235,000 to $470,000 to fund the demolition and subsequent site preparation of the former Firestone building at 2915 Rainier Avenue South, Seattle, for a transit-oriented development project.

It was moved by Vice Chair Butler and seconded by Boardmember Roberts that Resolution No. R2011-07 be approved as presented.

Chair Reardon stated that the vote would be conducted by roll call because amending the Adopted Budget requires a two-thirds affirmative vote of the Board, which is 12 members.

Resolution No. R2011-07 Vote:

Ayes			Nays
Claudia Balducci	John Marchione	Larry Phillips	
Fred Butler	Joe Marine	Aaron Reardon	
Dow Constantine	Pat McCarthy	Paul Roberts	
Dave Enslow	Joe McDermott	Claudia Thomas	
Jake Fey	Mike McGinn	Pete von Reichbauer	
Paula Hammond	Julia Patterson		

The motion to approve Resolution No. R2011-07 carried by unanimous vote of the seventeen Boardmembers present.

Resolution No. R2011-03: Amending the Adopted 2010 Budget for non-operating expenses from $24,494,772 to $38,494,772 to include the cost of the Rainier Valley light rail construction litigation and the cost to investigate and remediate areas where the contractor over excavated soil in constructing the Beacon Hill Tunnel.

It was moved by Vice Chair Thomas and seconded by Boardmember Enslow that Resolution No. R2011-03 be approved as presented.

Chair Reardon stated that the vote would be conducted by roll call because amending the Adopted Budget requires a two-thirds affirmative vote of the Board, which is 12 members.

Resolution No. R2011-03 Vote:

Ayes			Nays
Claudia Balducci	John Marchione	Larry Phillips	
Fred Butler	Joe Marine	Aaron Reardon	
Dow Constantine	Pat McCarthy	Paul Roberts	
Dave Enslow	Joe McDermott	Claudia Thomas	
Jake Fey	Mike McGinn	Pete von Reichbauer	
Paula Hammond	Julia Patterson		

The motion to approve Resolution No. R2011-03 carried by unanimous vote of the seventeen Boardmembers present.

Resolution No. R2011-09: (1) Amends the Link Initial Segment Project Capital Lifetime Budget to increase it by $32,200,000, from $2,070,000,000 to $2,102,200,000, (2) amends the Link Initial Segment North King County Subarea Project Reserve Lifetime Budget to reduce it by $32,200,000, from $90,695,270 to $58,495,270, and (3) amends the Initial Segment Project Adopted 2011 Annual Project Budget to increase it by $32,370,782, from $47,775,941 to $80,146,724.

Ahmad Fazel, Link Light Rail Executive Director, and James Irish, Link Light Rail Environmental Program Manager, presented the staff report.

It was moved by Boardmember Roberts and seconded by Boardmember Marchione that Resolution No. R2011-09 be approved as presented.

Chair Reardon stated that a roll call vote would be taken because amending the Adopted Budget requires a two-thirds affirmative vote of the Board, which is 12 members.

Resolution No. R2011-09 Vote:

Ayes			Nays
Claudia Balducci	John Marchione	Larry Phillips	
Fred Butler	Joe Marine	Aaron Reardon	
Dow Constantine	Pat McCarthy	Paul Roberts	
Dave Enslow	Joe McDermott	Claudia Thomas	
Jake Fey	Mike McGinn	Pete von Reichbauer	
Paula Hammond	Julia Patterson		

The motion to approve Resolution No. R2011-09 carried by the unanimous vote of the seventeen Boardmembers present.

Motion No. M2011-40: Directs the chief executive officer to implement a Sustainability Plan and continue to integrate sustainable business practices and strategies throughout the Sound Transit organization.

Perry Weinberg, Director Environmental Affairs and Sustainability, and Amy Shatzkin, Sustainability Manager, presented the staff report.

It was moved by Boardmember Phillips, seconded by Vice Chair Thomas, and carried by unanimous vote that Motion No. M2011-40 be approved aspresented.

Phase Gate 4 Action: Authorizing the I-90 Two-Way Transit and HOV Operations Stage 3 Project to enter into final design.

Don Davis, Deputy Executive Director of Design, Engineering, and Construction Management, presented the staff report.

It was moved by Boardmember Balducci, seconded by Boardmember Roberts, and carried by unanimous vote that Phase Gate 4 Action be approved as presented.

Motion No. M2011-61: Ratifying the chief executive officer's execution of a contract with MotivePower, Inc. to purchase three locomotives in the amount of $14,662,632, with a 5% contingency of $733,132, for a total authorized contract amount not to exceed $15,395,764.

CEO Earl explained the motion. At its June 16, 2011 meeting, the Operations and Administration Committee forwarded a motion to the Board with a do-pass recommendation to authorize the purchase of locomotives. The motion was included on the agenda for the June 26, 2011 Board meeting, however the meeting was later cancelled. MotivePower advised Sound Transit that pricing would increase on July 1, 2011 under the terms of the pricing schedule it had negotiated with the manufacturer of the locomotives. To avoid the price increase, the contract had to be signed by June 30, 2011. Board policy allows the CEO to find a financial emergency exists and to execute necessary contracts without prior Board approval in order to prevent a financial loss to the agency. Board policy requires the Board to ratify the CEO's finding of an emergency and execution of the contract.

It was moved by Boardmember Roberts, seconded by Boardmember Fey, and carried by unanimous vote that Motion No. M2011-61 be approved as presented.

Motion No. M2011-63: Authorizing the chief executive officer to execute an agreement with the City of Tukwila for a total authorized amount not to exceed $4 million.

Ron Lewis, Link Light Rail Deputy Executive Director, presented the staff report.

It was moved by Boardmember Enslow, seconded by Boardmember Phillips, and carried by unanimous vote that Motion No. M2011-63 be approved as presented.

EAST LINK PROJECT

Chair Reardon announced that the staff would give a brief presentation on the East Link project and then the Board would hear public comment.

Don Billen, Link Light Rail Project Manager, Ric Ilgenfritz, Policy Planning and Public Affairs Executive Director, and Brian McCartan, CFO, summarized the Board's review and direction on the East Link Project. The Board considered two East Link actions later in the meeting, the East Link alignment and authorizing the CEO to sign a term sheet between Sound Transit and the City of Bellevue.

Jennifer Robertson, Bellevue City Councilmember, spoke on behalf on the Council. She expressed the Council's appreciation that Sound Transit's preferred route in downtown Bellevue is C9T. The Council asked the Board to provide flexibility in the B2M alignment to support the City working with the public on possible improvements and necessary mitigation. She indicated the City is committed to working through the details of a memorandum of understanding to memorialize that flexibility. The City Council is looking for both parties to reduce costs, find savings, benefit both parties, and benefit the total cost of the system.

PUBLIC COMMENT ON EAST LINK PROJECT

(Comments on file with the Board Administrator)

Jack McCullough	Gene Duvenoy
Sue Baugh	Irene Plenefisch
Terry Lukens	Bill Stephan
Leslie Lloyd	Sven Goldmanis
Rob Johnson	Bill Thurston

John Hempleman	Betina Finley

Chair Reardon announced that Boardmember Marine had to leave the meeting and requested to participate in the rest of the meeting by phone.

It was moved by Boardmember Roberts, seconded by Boardmember Balducci, and carried by the unanimous vote of the 13 members present that Boardmember Marine be allowed to participate in the Board meeting by telephone.

Resolution No. R2011-10: Selecting the route, profiles, and station locations for the East Link Light Rail Project.

It was moved by Vice Chair Thomas and seconded by Boardmember Balducci that Resolution No. R2011-10 be approved.

Boardmember Balducci noted that it is important to set a direction for the successful completion of the East Link Light Rail Project. This action will confirm Sound Transit's intention to move forward, establish broad outlines of the project alignment, and allow design details to be finalized once an alignment has been selected.

It was moved by Boardmember Constantine and seconded by Boardmember Butler to amend Resolution No. R2011-10, Section 1.D. second sentence, as follows:

> Section 1.D: The route turns east into the Bel-Red corridor in a retained cut configuration between 120th and 124th Avenues. A retained-cut 120th Avenue Station will be constructed if an agreement is executed with the property owner before 60 percent final design which contains provisions that reduce Sound Transit's construction and right-of-way costs subject to future Board approval and are generally consistent with Motion No. M2010-44.

The motion to amend Resolution No. R2011-10 was approved by unanimous vote.

It was moved by Boardmember Balducci and seconded by Boardmember Roberts to amend Resolution No. R2011-10, Section 1.C. final sentence, as follows:

> Section 1.C. final sentence: The tunnel route in downtown Bellevue is contingent upon the City of Bellevue entering into a term sheet with Sound Transit before August 10, 2011…

The motion to amend Resolution No. R2011-10 was approved by a majority vote, with Boardmember McCarthy voting in the minority.

It was moved by Boardmember Roberts and seconded by Boardmember Balducci to amend Resolution No. R2011-10, Section 1.C. (1) as follows:

> Section 1.C. (1): a firm funding commitment of $160 million (2010$) with mechanisms to share risks and benefits between the parties;

Boardmember Marchione suggested and Boardmember Roberts accepted a friendly amendment in Section 1.C. final sentence, to replace "October 30, 2011" with "October 27, 2011".

The motion to amend Resolution No. R2011-10 was approved by a majority vote, with Boardmember McGinn abstaining.

It was moved by Vice Chair Butler and seconded by Boardmember Balducci to amend Resolution No. R2011-10 by adding Section 5. as follows:

> Section 5: Prior to Board adoption of the binding agreement with the City of Bellevue, staff will prepare the financing options for the Project, not later than September 22, 2011.

The motion to amend Resolution No. R2011-10 was approved by unanimous vote.

The motion to approve Resolution No. R2011-10 as amended, was approved by a majority vote, with Boardmembers McGinn and Phillips voting in the minority.

Motion No. M2011-62: Authorizing the chief executive officer to enter into a term sheet with the City of Bellevue regarding the East Link Project.

It was moved by Boardmember Balducci and seconded by Vice Chair Thomas that Motion No. M2011-62 be approved as presented.

It was moved by Boardmember Roberts and seconded by Boardmember Balducci to amend Motion No. M2011-62, second paragraph in the Background section, as follows:

> (1) a firm funding commitment of $160 million (2010$) with mechanisms to share risks and benefits between the parties;

The motion to amend Motion No. M2011-62 was approved by unanimous vote.

The motion to approve Motion No. M2011-62 as amended, was approved by unanimous vote.

EXECUTIVE SESSION

None.

OTHER BUSINESS

None.

NEXT MEETING

Thursday August 25, 2011
1:30 to 4:00 p.m.
Ruth Fisher Boardroom

ADJOURN

The meeting was adjourned at 5:59 p.m.

Aaron Reardon
Board Chair

ATTEST:

Marcia Walker
Board Administrator

APPROVED on September 22, 2011, MW